

**COMMUNITY IMPROVEMENT COMMISSION
RESOLUTION NO. 12-185**

**ADOPTING AN AMENDED ENFORCEABLE OBLIGATION PAYMENT
SCHEDULE PURSUANT TO SECTION 34169(g) OF THE
CALIFORNIA HEALTH AND SAFETY CODE**

Approved as to Form

General Counsel

WHEREAS, the Community Improvement Commission of the City of Alameda ("CIC") is a redevelopment agency organized and existing under the California Community Redevelopment Law (Health & Safety Code § 33000 *et seq.*) ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council of the City of Alameda ("City"); and

WHEREAS, pursuant to the CRL, the City Council approved and adopted the Community Improvement Plans for the West End Community Improvement Project on June 28, 1983, by Ordinance No. 2141, as amended to date, the Business and Waterfront Improvement Project on June 18, 1991, by Ordinance No. 2559, as amended to date, and the Alameda Point Improvement Project on March 3, 1998, by Ordinance No. 2754 as amended to date and the CIC is vested with the responsibility for implementing and carrying out the Improvement Plans; and

WHEREAS, in connection with approval and adoption of the State Budget for Fiscal Year 2011-12, the California Legislature approved and the Governor signed (i) AB 1X 26 (Stats. 2011, chap. 5, "AB 1X 26"), which immediately, and purportedly retroactively, suspended all otherwise legal redevelopment activities and incurrence of indebtedness, and provided for dissolution of California's redevelopment agencies effective October 1, 2011 (the "Dissolution Act"); and (ii) AB 1X 27 (Stats. 2011, chap. 6, "AB 1X 27"), which allowed a local community to avoid the consequences of the Dissolution Act and continue its redevelopment agency if the community enacted an ordinance agreeing to comply with the alternative voluntary redevelopment program described in Section 2 of AB 1X 27 adding Part 1.9 (commencing with section 34192) of Division 24 of the Health and Safety Code; and

WHEREAS, AB 1X 26 also required that each redevelopment agency adopt an enforceable obligation payment schedule in conformance with Section 34169(g) of the Health and Safety Code by August 28, 2011, which, among other things, was required to include a list of all of the agency enforceable obligations, and the amount of payments obligated to be made, by month, through December 2011; and

WHEREAS, the Executive Director of the CIC adopted the Enforceable Obligation Schedule on August 25, 2011, and the CIC ratified and re-adopted the

Enforceable Obligation Payment Schedule adopted by the Executive Director by Resolution No. 11-183 on September 6, 2011, ("EOPS"); and

WHEREAS, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. 5194861), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies and requesting a stay of enforcement; and

WHEREAS, in a decision filed on December 29, 2011, the Supreme Court found the dissolution of redevelopment agencies effected by AB 1X 26 to be a proper exercise of the legislative power vested in the Legislature by the State Constitution and the provisions of AB 1X 27 allowing communities to save their redevelopment agencies if they made the "voluntary" remittance payments under AB 1X 27 to violate Proposition 22, thus upholding the constitutionality of AB 1X 26 and holding AB 1X 27 unconstitutional; and

WHEREAS, the Supreme Court extended the timeframes set forth in AB 1X 26 for, among other things, preparing the preliminary draft of the initial Recognized Obligation Payment Schedule required under Health and Safety Code Section 34169(h) from September 30, 2011 to January 30, 2012; and

WHEREAS, extension of the timeframe for preparation of the preliminary draft of the initial Recognized Obligation Payment Schedule to January 30, 2012, has resulted in a void in the EOPS, in that it does not cover the amount of the payments to be made for the period January 1, 2012, through January 30, 2012; and

WHEREAS, pursuant to Health and Safety Code Section 34177, until a Recognized Obligation Payment Schedule becomes operative, Section 34177 directs the successor agency to make payments required under the EOPS; and

WHEREAS, the CIC desires to amend its adopted EOPS to cover a period long enough that a Recognized Obligation Payment Schedule will likely have become operative prior to expiration of the amended EOPS; and

WHEREAS, the CIC therefore desires to amend the EOPS to include the amount of the payments for the period January 1, 2012 through June 30, 2012 as well as, to make certain other changes necessary to provide a more accurate list and description of the CIC's existing enforceable obligations; and

NOW, THEREFORE, the Community Improvement Commission of the City of Alameda does hereby resolve as follows:

Section 1. The CIC hereby adopts the Amended Enforceable Obligation Payment Schedule, attached hereto as Exhibit A. The CIC further delegates

authority to the Executive Director to amend Exhibit A as necessary to add any additional enforceable obligations discovered subsequent to the effective date of this Resolution and to correct any clerical errors that may be necessary.

Section 2. The Agency Secretary is hereby directed to transmit a copy of the Amended Enforceable Obligation Payment Schedule to the State Department of Finance, the State Controller and the Alameda County Auditor-Controller in accordance with Section 34169(g)(2) of the Health and Safety Code.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Community Improvement Commission of the City of Alameda in a Special Joint City Council and Community Improvement Commission meeting assembled on the 17th day of January, 2012, by the following vote to wit:

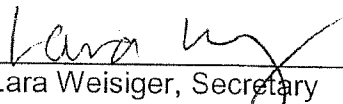
AYES: Commissioners Bonta, deHaan, Johnson and Tam – 4.

NOES: None.

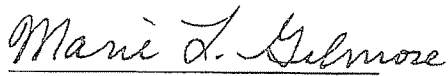
ABSENT: Chair Gilmore – 1.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said Commission this 18th day of January, 2012.



Lara Weisiger, Secretary
Community Improvement Commission



Marie Gilmore, Chair
Community Improvement Commission